

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE: WC 4TH AND COLORADO, LP,¹ <div style="text-align: right;">DEBTOR.</div>	§ § § § § § §	CHAPTER 11 CASE NO. 20-10881-TMD
--	---------------------------------	---

**DEBTOR’S NOTICE AND RESERVATION OF RIGHTS REGARDING
ENFORCEMENT OF ORDER MODIFYING THE DESIGNATION OF PRODUCED
DOCUMENTS AND COMPELLING LENDER TO
DISCLOSE IDENTITY AND AFFILIATIONS**

WC 4th and Colorado, LP (“**Debtor**”) submits this *Notice and Reservation of Rights* regarding the *Order Granting Debtor’s Emergency Motion for Order Modifying the Designation of Produced Documents and to Compel Lender to Disclose Identity and Affiliations* [Doc 97], entered on October 22, 2020 (the “**Discovery Order**”), granting the Debtor’s *Emergency Motion for Order Modifying the Designation of Produced Documents and to Compel Lender to Disclose Identity and Affiliations* (the “**Motion**”) [Doc 76].²

1. As set forth in the Discovery Order, the Court ordered (i) the re-designation of certain documents regarding the “Lender Identity Information” (that is, the information responsive to Debtor’s Requests 3-6, 11, and 12) as “Confidential” and not “Attorneys’ Eyes Only” for purposes of the *Confidentiality and Protective Order* entered in this Bankruptcy Case, and (ii) that Colorado Third Street, LLC (“**CTS**” or “**Lender**”) produce all additional Lender Identity

¹ The Debtor in this chapter 11 case, along with its last four digits of its federal tax identification number is: WC 4th and Colorado, LP (1759).

² Capitalized Terms not otherwise defined herein shall have the same meaning as defined in the Motion.

Information with the designation of “Confidential” to Debtor within one (1) business day of entry of the Discovery Order.

2. Lender has voluntarily re-designated as “Confidential” certain documents produced to Debtor with the Attorneys’ Eyes Only designation as part of Lender’s original document production.

3. On October 21, 2020, Lender produced additional documents responsive to the Lender Identity Information to Debtor with the proper “Confidential” designation (the **“Supplemental Identity Production”**).

4. Debtor has not yet had the opportunity determine if the Supplemental Identity Production is a complete production of all Lender Identity Information and therefore reserves all rights to seek additional relief to enforce the terms of the Discovery Order.

DATED: October 22, 2020

Respectfully submitted,

FISHMAN JACKSON RONQUILLO PLLC

/s/ Mark H. Ralston

Mark H. Ralston

State Bar No. 16489460

Fishman Jackson Ronquillo PLLC

Three Galleria Tower

13155 Noel Road, Suite 700

Dallas, TX 75240

Telephone: (972) 419-5544

Facsimile: (972) 4419-5500

E-mail: mrals@fjrpllc.com

COUNSEL FOR DEBTOR WC 4TH
AND COLORADO, LP

CERTIFICATE OF SERVICE

This is to certify that the undersigned caused a true and correct copy of the foregoing document to be served on the parties listed on the attached service list by First Class United States Mail and on all persons receiving electronic notice of filings in this case through the ECF system.

/s/ Mark H. Ralston
Mark H. Ralston